

SIGN ORDINANCE

SEC. 1 PURPOSE

Signs use private land and the sight line created by public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards so as to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Rogers, and to achieve the following:

A. Safety. To promote the safety of persons and property by providing that signs:

1. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
2. Do not obstruct fire fighting or police surveillance;
3. Do not create traffic hazards by confusing or distracting motorists;
4. Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals; and,
5. Do not otherwise interfere with or detract from the safety of persons or property.

B. Communications Efficiency. To promote the efficient transfer of information in sign messages by providing that:

1. Customers and other persons may locate a business or service;
2. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and,
3. The messages in signs may otherwise be communicated efficiently.

C. Landscape Quality and Preservation. To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not constitute a nuisance or safety hazard to occupants of adjacent property by their brightness, size, height, or movement;
4. Are not detrimental to land or property values;
5. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
6. Do not negatively affect the city's tourism industry;
7. Do not create or worsen visual clutter or visual blight;

8. Do contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;
9. Do otherwise protect and preserve a quality landscape in the city; and
10. Do otherwise enhance the appearance and economy of the city.

SEC. 2 COMMON SIGNAGE PLAN

Prior to issuance of any sign permit in a development containing several buildings or businesses, a common signage plan for the development shall be approved and filed with the Planning Department. Signage plans require Planning Department approval. In the case of any conflict between the signage plan and the zoning ordinance, the ordinance shall govern.

- A. Drawings.** Drawings, sketches and/or photographs shall be submitted and kept on file to demonstrate the common signage plan. The common signage plan shall consist of three (3) elements:
 - 1. Location.** Identification of sign locations on buildings or property.
 - 2. Materials.** Description of the type of sign and sign materials including construction materials and proposed lighting, if any.
 - 3. Size.** Itemization of sign size and/or area at identified locations.
- B. Multiple signs.** Where more than one sign is located on a property, or where more than one building or business is located in a single development project, such as a shopping center, the common signage plan will demonstrate that these elements create consistency and uniformity among signs within the project. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided.
- C. Minor alterations.** Minor alterations in sign locations resulting from unexpected conditions on site shall be reviewed and may be approved by the City Planner or his/her designated representative.

SEC. 3 APPLICATION FOR A SIGN PERMIT

All signs either permanent or temporary, except as listed in Section 7 and 8, shall require a sign permit issued by the Planning Department.

- A. Application.** Complete the Sign Permit Application provided by the Planning Department.
- B. Fee.** The applicant shall pay the fee as adopted from time to time by the City Council.

- C. Drawings.** A scaled drawing of the sign including sign height, area, design, content, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to the wall, window or the ground.
- D. Site plan.** A scaled site plan showing the location of the sign on the property or building including street right-of-way and property lines. For wall signs, the dimensions of the building face shall be provided.
- E. Materials List.** A list of materials used to construct the sign.

SEC. 4 REVIEW AND APPROVAL

- A. Approval.** After a review of the application by the Planning Department shows that the sign meets zoning, electrical, and ICC Building code requirements, the applicant shall receive a permit to erect or install the approved signs.
- B. Permanent Signs.** The applicant shall request an inspection after installation of permanent signs.
 - 1. Expiration of permit.** The sign permit shall be null and void if sign installation is not completed within six (6) months or the signs are not in conformance with the approved application. The City Planner may grant one thirty (30) day extension to the sign permit.
 - 2. Successors.** A new sign permit will be required only if the name of the business or logo changes.
- C. Temporary Sign.** Temporary sign permits will only be allowed for special occasions, (Grand Openings, Seasonal Sales, and Going Out of Business). These permits will only be allowed for ten (10) business days. A one time extension for ten (10) additional business days may be granted by the City Planner.
- D. Revocation of Permits.** The City Planner or his/her designee may revoke a sign permit if a sign is found to be in violation of this ordinance.
- E. Minor alterations.** Minor alterations in sign locations resulting from unexpected conditions on site shall be reviewed and may be approved by the City Planner or his/her designated representative.

SEC. 5 INTERPRETATION OF SIGN REGULATIONS

- A. Street frontage.** Street frontages shall be considered separately for each street the lot fronts, measured by property lines.

- B. Maximum area.** Maximum area shall be the area of one side of the sign.
- C. Measurable area.** Measurable area is the area within the outer boundaries of standard rectangular sign boundary.
- D. Maximum height.** Height is measured from the point at which the sign and supports are attached to the ground, measured to the highest point on the top of the sign or structure.
- E. Appeal of Interpretation.** All administrative interpretations of sign regulations may be appealed to the Board of Adjustment.

SEC. 6 GENERAL REGULATIONS

A. Design and Construction

- 1. Code Compliance.** All signs shall comply with applicable provisions of the ICC Building code and the National Electrical code.
- 2. Materials.** Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
 - a) Temporary signs meeting the regulations elsewhere in this Article
 - b) Real estate signs
 - c) Window signs
 - d) Yard sale signs, political and election signs.

- B. Sight Triangle.** No sign shall constitute a hazard to traffic including but not limited to signs located within the sight triangle of an intersection.

The sight triangle is defined by a triangular area formed by a diagonal line connecting two points on intersecting street rights-of-way, measured 25' along each right-of-way starting at the intersection point.

No signs or structures between 30" and 60" in height will be allowed within the sight triangle.

- C. Maintenance.** All signs to include permanent and temporary signs and signs that do and do not require a permit, shall be maintained in good condition, kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message. Sign landscaping shall be maintained so as not to interrupt the view of the sign.

D. Obstructions. No sign shall block entrances or exits to buildings to include windows, doors, and fire escapes.

E. In public right-of-way. No sign, including supports, frames, and embellishments, shall be located within a public right-of-way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as specifically permitted in this Article. The front face of all signs must be located a minimum of five (5) feet behind the public right-of-way.

F. Illumination

1. **Source.** Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety.
2. **Internal illumination.** Internally illuminated signs in all districts shall have an opaque background and translucent copy.
3. **External Illumination.** External illumination shall be selected, located, aimed and shielded so that direct illumination is focused solely on the sign face, away from adjoining properties and the public street right-of-way.
4. **Strung lights.** Signs shall not be illuminated by a string of lights placed around the sign.

G. Changeable Copy Signs. Manual changeable copy signs and electronic changeable copy signs shall be allowed subject to the following:

1. **Area.** No more than 50% of the area of a sign shall be devoted to changeable copy except for signs for theaters which may devote up to 80% of a sign to changeable copy.
2. **Animation.** In no instance shall changeable copy signs produce flashing or blinding illumination.
3. **LED Changeable Copy Sign.** LED signs shall only be allowed in the C-2 Highway Commercial District and C-4 Open Display Commercial District.
4. **On-Premise Super Graphic Signage.** Shall be allowed on buildings adjacent to I-540 right-of-way in the C-2 highway Commercial District and C-4 Open Display Commercial District. Provided that the building is greater than 100,000 square feet. Sign size shall be 1 linear foot of building perimeter to 3 square foot of signage not to exceed 900 square feet. Super Graphics shall require that 92% of the sign must be non-textual graphic.
 - a. No sign message shall be displayed for a period of time less than 8 seconds.

- b. No sign shall display animated messages, including flashing, blinking, fading, rolling, shading dissolving, or any other effect that gives the appearance of movement.
- c. No sign shall include any audio message.
- d. Transition from one message to another message shall appear instantaneous as perceived by the human eye.
- e. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.
- f. Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three tenths (0.3) foot candles above ambient light, as measured using a foot candle (Lux) meter.
- g. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- h. On-Premise Super Graphic Signs may display only on-site commercial or non-commercial messages or public service messages or community event messages.

5. Manual Changeable Copy Signs. Manual Changeable Copy Signs shall comply with Section 9 of the code.

H. Nonconforming, Obsolete, and Unpermitted Signs

Signs which were lawful at the time of their construction or placement but are not in conformance with current regulations shall be permitted to be maintained as nonconforming signs until such time that the sign is replaced with new sign copy or with a change of use of the site. At that time, the sign shall be replaced with a sign compliant with these regulations. Any **multitenant** sign that is located within the overlay district, that would otherwise be required to restructure or rebuild their sign, will be allowed to change individual tenant sign panels, after obtaining a permit, until December 31, 2016. Beginning January 1, 2017, this exception will no longer apply. At that time any change of sign copy will require that the sign come into compliance with all aspect of this ordinance.

SEC. 7 SIGNS PERMITTED WITHOUT A PERMIT

The following signs shall be permitted in all zoning districts. No sign permit shall be required.

- A. Art.** Works of art which do not advertise a commercial business, product or service.

B. Flags. U. S. State, Municipal, or Corporate Flags. The United States flag shall be flown consistent with the federal flag code (U. S. Code Title 13 Chapter 1 – The Flag).

C. Hand carried noncommercial signs.

D. Historic markers. Attached or freestanding historic or memorial markers erected by a governmental agency or private, nonprofit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state, or county wide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility and the sign or marker must commemorate a person, building, place or event of historical, civic, cultural, natural historical, scientific, or architectural significance. Historical markers are subject to the following regulations:

1. Maximum area.

Freestanding: Eighteen (18) square feet

Wall: Six (6) square feet.

2. Materials. Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weather proof material.

E. Holiday decorations. Temporary lighting and displays that are part of customary holiday decorations, subject to the following regulations:

- 1. Time period.** Displays and lighting associated with holiday celebrations shall not be illuminated before November 1, and shall not be illuminated after January 15.
- 2. Subject.** Such decorations shall not contain a commercial message.
- 3. Location.** Such signs shall not be located in the right-of-way.

F. Identification signs. Customary identification signs, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs that are no larger than three (3) square feet in area per sign.

G. Incidental or directional signs. Incidental signs, those that give information or direction for the convenience and necessity of the public, such as entrance, exit, no admittance, telephone, or parking subject to the following regulations:

- 1. Maximum area.** Three (3) square feet
- 2. Maximum height.** Four (4) feet.
- 3. Subject.** Such sign shall not contain any logos.

H. Interior signs. Signs visible only from the interior of a structure, such as in a mall, where they are not visible from a public right of way or public space.

I. Non-profit announcements. Announcements by public or not-profit organizations of fund raising events, special events or activities or interest to the general public, other than political signs, subject to the following regulations.

1. Maximum area

Residential: Six (6) square feet

Non-residential: Twelve (12) square feet

2. Maximum number permitted. One per lot.

3. Time period. Signs may be erected up to two (2) weeks prior to the event.

4. Removal. Signs shall be removed within three (3) days after the event.

5. Banner attachment. Banners shall be attached to a fixed structure, either a building or freestanding sign.

J. Public notice. Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.

K. Public park signs. Signs in public parks of a noncommercial nature erected by a government agency such as directional signs, rules signs, safety signs or site identification signs that are no greater than eight (8) feet in height.

L. Public sign. Any federal, state or local traffic control or other public sign.

M. Political sign. The City recognizes the importance of political signs in the exercise of free speech. The City hereby finds it necessary to regulate certain aspects of political signs:

1. No political sign may be erected prior to (60) sixty days before an election cycle and must be removed (5) five calendar days after the election.
2. No political sign may be placed inside any city right-of-way or upon any bridge, or any pole used for public utility, or traffic control signals, or street sign.
3. Political signs placed in residential zoning districts shall be no larger than four square feet. Placement of political signs on roofs is prohibited. Political signs can not be stacked on top of each other. Political signs must be ground mounted or placed on the bottom portion of a fence or structure.
4. Political signs placed in zoning districts other than residential shall be no larger than eight square feet. All other zones signs shall be no larger than thirty two square feet.

5. Political signs placed on private property must have the express consent of the property owner.
6. Political signs shall not be illuminated.
7. Any political sign deemed to have damaged public property shall be subject to immediate removal by the city. If information is provided to the city or included on the sign indicating whom to contact regarding the sign, the city shall provide notice to the contact following removal of the sign.

N. Real estate signs – residential. Real estate signs in residential districts.

1. Generally.

- a) Location. No real estate signs shall be located in the public right-of-way. If the right-of-way cannot be determined, signs shall be placed behind sidewalks and/or utility poles.
- b) Removal. Signs for properties for sale shall be removed within 72 hours of property closing.

2. On-site signs. On-site real estate signs in residential districts, subject to the following regulations:

- a) Maximum area. Without a rider: six (6) sq. ft; with riders: eight (8) sq. ft.
- b) Maximum height. Six (6) feet.
- c) Maximum number permitted.
Freestanding – One (1) per street frontage.
- d) Riders permitted. Two sign riders are permitted as long as the maximum sign area does not exceed eight (8) square feet.

3. Off-site signs. Off-site directional real estate signs are not permitted in the City of Rogers.

O. Real estate signs – non residential. Real estate signs in nonresidential districts subject to the following regulations:

1. Maximum area. Thirty-two (32) square feet.

2. Maximum height. Eight (8) feet.

3. Maximum number permitted.

- a) Freestanding: One (1) per street frontage
- b) Wall: If the entire building is for sale or lease: one (1) per building façade. If portions of the buildings are for sale or lease; one (1) per lease space.

P. Religious institution directional signs. Off-site directing a person to a religious institution shall meet the following conditions:

1. Maximum area. Six (6) square feet.

2. Maximum height. Eight (8) feet.

3. Subject. Such signs may only bear the logo, name and address of the church with direction and distance to the church.

4. Permission. Such signs require property owner permission.

- Q. Stadium signage.** Commercial signs within City stadiums (High School football and Baseball Stadiums)
- R. Traffic control signs.** Traffic control signs on private property such as stop, yield, and similar signs, the face of which meet Arkansas Department of Transportation standards, subject to the following regulations:
- 1. Maximum area.** Eight (8) square feet.
 - 2. Subject.** Such sign shall not contain a logo or commercial message.
- S. Vending machines, ATMS, gas pumps.** Vending machines, automatic tellers, or gasoline pumps which display the name, trademark or logo of the company or brand or prices shall not exceed thirty-two (32) square feet in area per side. The display shall be an integral part of the machine or pump.
- T. Window signs.** Any sign, pictures, symbol or combination thereof that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window shall not exceed 40% of the window area.

SEC. 8 SIGNS PERMITTED IN PUBLIC RIGHT-OF-WAY WITHOUT A PERMIT

The following signs shall be permitted within public rights-of-way. No sign permit shall be required.

- A. Emergency.** Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.
- B. Public.** Public signs erected by the city, county, state or federal government.
- C. Moveable sidewalk signs.** Moveable signs located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the C-1 Downtown Commercial District, provided that all the following criteria are met.
- 1. Area.** The sidewalk in the area must be wide enough to allow for at least six (6) feet of width for unrestricted pedestrian movement with the sidewalk signs in place.
 - 2. Maximum height.** Four (4) feet
 - 3. Maximum width.** Two and one-half (2 ½) feet, or 30% of the sidewalk width, whichever is less.
 - 4. Illumination.** There shall not be any lighting allowed on the sign and the lettering shall be small enough to not be legible from automobile traffic on the street.
 - 5. Detached.** The sidewalk sign shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any

way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.

- 6. Location.** Sidewalk signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than six (6) feet.
- 7. Encroachment agreement.** An encroachment agreement allowing for a sidewalk sign on the public right-of-way. As part of the encroachment agreement approval, each individual merchant desiring to utilize such signs, alternatively, the merchants association or community development agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the City Street Department for sidewalks in the City.
- 8. Removal.** Each sidewalk sign permitted under this section shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, etc.

D. Subdivision. Signs identifying a recognized community, subdivision or development provided that such signs were lawfully erected pursuant to an encroachment agreement, and are consistent with an approved overall sign plan, site plan or subdivision plat. Must be located on the preliminary plat or large-scale development plan.

SEC. 9 SIGNS PERMITTED WITH A SIGN PERMIT

The following signs are allowed with a sign permit, subject to the size, height, and location regulations specified in the Section. A common signage plan is required. Erection of the following signs without a permit is a violation of this Section.

A. Height and Area Regulations

Zoning District	Permitted Sign Types	# of Signs Permitted	Max. Height	Max. Sign Area
A-1	Freestanding	1	16 ft.	32 sq. ft.
R-E	Name Plate	1	N/A	4 sq. ft.
R-SF	Church Bulletin	1	6 ft.	12 sq. ft.
R-AH	Board			
R-DP				
R-MF	Name Plate	1	N/A	4 sq. ft.
	Church Bulletin	1	6 ft.	12 sq. ft.
	Board			
	Freestanding	1	6 ft.	12 sq. ft.

Zoning District	Permitted Sign Types	# of Signs Permitted	Max. Height	Max. Sign Area
R-MHC	Name Plate	1	N/A	4 sq. ft.
R-RVP	Development Identification	1	10 ft.	150 Sq. Ft.
R-O	Freestanding Monument	1 1	12' 6' 10"	32 sq. ft. 48 sq. ft.
O	Wall	1/public entrance	projection	30 sq. ft.
C-1	Wall	1/business/street/ frontage	N/A	15% of Wall area (includes canopy, awning, window, and door signs) A minimum of 25 sq. ft. of wall area permitted.
	Awnings	1/business/street/ frontage	N/A	32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs.
	Canopies	1/canopy face	2'	12 sq. ft.
	Projecting or Suspended	1/business/street/ frontage	N/A	Projecting 40 sq. ft. Suspended 4 sq. ft.
	Marquee	1/building	8'	72 sq. ft.

Zoning District	Permitted Sign Types	# of Signs Permitted	Max. Height	Max. Sign Area
C-2	Freestanding	1 per street frontage	24 feet	150 sq. ft.
	Monument	1 per street frontage	6 feet	72 sq. ft.
	Wall	1/business/street frontage	N/A	2 sq. ft. of sign for every one linear ft. of frontage not to exceed 400 sq. ft. Each lease space will be a min. of 25 sq. ft.
	Awnings	1/business/street frontage	N/A	32 sq. ft. (Shall be deducted from maximum allowable wall sign)
	Canopies	1/canopy face	Fuel: 42" Other: 2'	12 sq. ft. (Shall be deducted from maximum allowable wall sign)
	Marquee	1/building	8'	72 sq. ft.
	Super Graphic	1 per building	N/A	See Sec. G(4)
C-3	Freestanding	1 per lot	12'	40 sq. ft.
	Wall	1/business/street frontage	N/A	50 sq. ft. Includes canopy, awning window, and door signs. A min. of 25 sq. ft. of wall area Permitted

Zoning District	Permitted Sign Types	# of signs permitted	Max. Height	Max. Sign Area
C-3 continued	Awnings	1/business/street frontage	N/A	25 sq. ft. (Shall be deducted from the maximum allowable area of wall signs.)
	Canopies	1/canopy face	Fuel: 42" Other 2'	12 sq. ft. (Shall be deducted from the maximum allowable area of wall signs_
	Monument	1 per lot	6 ft.	40 Sq. Ft.
C-4	Freestanding	1/street frontage	24 ft	150 Sq. Ft.
	Monument	1/street frontage	6 ft.	72 sq. ft.
	Wall	1/business/street frontage	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 400 sq. ft. Each lease space will be allowed a minimum of 25 sq. ft.
	Awnings	1/business/street frontage	N/A	32 sq. ft. (Shall be deducted from allowable area of wall signs)
	Canopies	1/canopy face	Fuel: 42" Other; 2'	12 sq. ft. (Shall be deducted from maximum allowable area of wall signs.

Zoning District	Permitted Sign Types	# of signs permitted	Max. Height	Max. Sign Area
C-4 Continued	Marquee	1/building	8 ft.	72 sq. ft.
	Super Graphic	1/building	N/A	See Sec. G(4)
W-O	Freestanding	1 per lot	24 ft.	150 sq. ft.
	Monument	1 per lot	6 ft.	72 sq. ft.
	Wall	1/business/street frontage	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 300 sq. ft. (includes canopy awning, window, and door signs) A minimum of 25 sq. ft. of wall area permitted for each lease space
	Awnings	1/business/street frontage	N/A	32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
	Canopies	1/canopy face	Fuel: 42" Other: 2'	12 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
I-1 I-2	Freestanding Monument Wall	1 per lot 1 per lot 1/business/street frontage	24 ft. 6 ft. N/A	150 sq. ft. 72 sq. ft. 2 sq. ft. of sign for every one linear ft of frontage not to exceed 300 sq. ft. Each lease space will be allowed a minimum of 25 sq. ft. of wall area

B. Awning Signs. An awning sign is a sign that is part of a fabric or other non-structural awning. Awning signs shall be permitted for nonresidential zoning districts listed subject to the following regulations.

1. **Placement.** The sign shall be flat against the surface of the awning.
2. **Clearance.** The sign shall maintain a clearance of eight (8) feet above a public right-of-way or front yard.
3. **Setback.** The sign shall not be closer than five (5) feet, measured in horizontal distance, from the curb line of any street.
4. **Right-of-way.** The sign shall not extend into the right-of-way.
5. **Fabric awnings.** Any fabric awning valance may not extend more than 1 foot below the ridge mount of the awning.

C. Canopy signs. A canopy sign is a sign on or attached to any overhead protective structure that is constructed in such a manner as to allow pedestrians and vehicles to pass under. Canopy signs shall be permitted in nonresidential zoning districts, subject to the following regulations.

1. **All canopies.** In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
2. **Fuel canopies.** Signage for fuel canopies shall be limited to logo signs.

D. Freestanding Signs – Nonresidential Districts. A freestanding sign is a sign that is not attached to a building and is permanently attached to the ground. Freestanding signs shall be permitted in nonresidential zoning districts, subject to the following regulations.

1. **Buffer areas.** The signs may be placed within the required buffer area or within other landscaped areas.
2. **Sign setback.** No sign can be any closer to the right-of-way of a public street or property line than five (5) feet.
3. **Sign landscaping.** All non-residential signs require:
 - a) A defined landscaped area at the base of the sign.
 - b) The required landscaped area shall be parallel to the face of the signs.
 - c) The required landscaped area shall be at least 50 square feet in area.

- d) For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.
- e) If the size of the site imposes practical difficulties on the placement of the plant materials, the City Planner may make adjustments in these regulations.
- f) The required landscaped area shall contain materials such as, but not limited to vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity.
- g) Paving and artificial plant materials shall not be included in fulfilling this requirement.
- h) A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

4. Additional signs.

- a) Street frontage over 300 feet. One (1) additional sign may be allowed by the City Planner or his or her designee for a street frontage that exceeds 300 feet. If two signs are placed on a single street frontage, no individual sign shall exceed 80 square feet in area and there shall be a minimum of 150 feet between the signs. The City Planner shall consider the approval standards found in Sec 9 D.4(b) below. Each sign must meet all other regulations for free standing signs.
- b) Considerations for approval of additional signs. In making a determination to approve additional signs, the City Planner shall consider the following standards:
 - i. The signs comply with other applicable provisions of the ordinance;
 - ii. The views of adjacent properties or from adjacent properties are not impaired;
 - iii. The signs do not interfere with public utilities, government uses, transportation, and landscaping;
 - iv. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage; and
 - v. The signs do not pose a hazard to public safety.

- 5. **Adjacent to I-540 (Interstate Sign District).** One additional sign up to 70' in height and 150 sq. ft. will be allowed in C-2 Highway Commercial District and C-4 Open Display Commercial District when the property which the sign is located is within 500 feet of Interstate 540. The sign must be located in the rear or side yard setback and can not be closer to the front than the 75 ft. front yard setback.

6. **Monument Signs.** A monument sign is a sign that is not attached to a building and is permanently attached to the ground with no space between the ground and the sign. The sign will be measured from the ground to the top of the sign.

- a) Maximum Height. 6 ft.
- b) Materials. The sign display area shall be completely enclosed with materials that match the façade of the principal use or similar quality, color, and texture as the primary masonry materials used in the exterior finish of the primary structure on site.
- c) Design. The top of the sign display area shall be located a minimum of twelve (12) inches below the top of the sign structure. No air space shall be visible within or between any portion of the sign display area and sign structure.

E. Freestanding Signs – Residential Districts. Freestanding signs to identify residential subdivisions, PUD's or multifamily developments shall be permitted in all residential districts, subject to the following regulations:

- 1. **Subject.** No commercial message shall be placed on the identification signs.
- 2. **Permanent feature.** Identification signs shall be incorporated into a permanent landscape feature such as a wall, fence, or masonry column.

F. Marquee Signs. A marquee is a sign used to identify a theater or a sign projected over the entrance to a theater. Marquee signs shall be permitted in commercial zoning districts, subject to the following regulations:

- 1. **Clearance.** The sign shall maintain a vertical clearance over a sidewalk of at least eight (8) feet.
- 2. **Setback.** No marquee sign may be closer than five (5) feet, measured in horizontal distance, from the right-of-way line of any street.
- 3. **Length.** The sign may extend the full length of the marquee on theaters, auditoriums and assembly halls.

G. Projecting Signs. A projecting sign is a sign that forms an angle with the building that extends from the building and is supported by the building.

Projecting signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

1. **Setback.** The sign may not extend into a required front yard more than six (6) feet and no closer than five (5) feet measured in horizontal distance from the right-of-way line of any street.

H. Roof Signs. Roof signs are not allowed in any zoning district in the City of Rogers.

I. Suspended Signs. A suspended sign is a sign attached to the underside of a horizontal plane or arm and is supported by the horizontal plane. Suspended signs shall be permitted in all nonresidential zoning districts, subject to the following regulations.

1. **Clearance.** The sign shall allow an eight (8) foot clearance to the walking surface.
2. **Setback.** No sign shall be closer than five (5) feet measured, in horizontal distance from the right-of-way of any street.

J. Wall Signs – Nonresidential Districts (includes Window Signs). A wall sign is any sign, other than a projecting or suspended sign, that is attached to or painted on any wall or any building. Wall signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

1. **Extending beyond building.** The sign shall not extend more than 10 inches beyond the building.
2. **Extending beyond wall.** The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two (2) adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
3. **Calculation sign area.** The total sign area for wall signs shall be the sum of all signs on the wall including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, and door signs.

Sec. 10 SIGNS PERMITTED WITH A TEMPORARY SIGN PERMIT

A. Special Sales Events and Promotions. Temporary signs, such as banners, are those that are intended for a temporary use and are not permanently mounted. Temporary signs shall be permitted in all zoning districts for special sales events and promotions, subject to the following regulations:

1. **Maximum number permitted per event.** Only one (1) sign shall be allowed per business per special sales event or promotion.
2. **Display period.** The temporary sign shall be displayed for not more than 10 business days.
3. **Maximum number permitted per year.** Each business site may be issued only four (4) permits for a temporary sign within a 12 month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date. New businesses shall be permitted one additional special event sign per wall up to 6 consecutive months to announce the opening of the business, subject to the maximum area of 32 square feet per sign.
4. **Banners.**
 - a) Maximum area. 32 square feet.
 - b) Display location. The temporary banner shall be attached to the building or a permanent freestanding sign.
5. **Subject.** The temporary sign shall be for a special sales event or promotion, not a routine business activity.
6. **Exception.** This section shall not affect non-profit announcements for public and non-profit events.
7. **Conformance with other regulations.** The temporary sign shall conform to the regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.

B. Vertical Streetscape Banners. Vertical streetscape banners placed along thoroughfares to enhance the visual aesthetics of the streetscape typically attached to a street light pole are permitted, subject to the following regulations:

1. **Locations.** Vertical streetscape banners may be located within the Downtown area, and other areas approved by the Rogers City Council.
2. **Subject.** Such signs shall be solely decorative, noncommercial or promote a special public or non-profit event and shall not display a logo, message, statement, or expression relating to commercial interests.

3. **Size.** Each banner shall not exceed a maximum size of 2 ½' in width and 5' in length.
4. **Attachment.** Each banner shall be individually attached to an existing pole, mast arm or other permanent structure. Any vertical streetscape banners proposed to be attached to street light shall be installed by the Rogers Street Department. No more than two banners, on opposing sides, may be mounted to each light pole.
5. **Display period.** Banners for events shall not be placed earlier than two weeks prior to the event and shall be removed within 3 days after the event. All other banners may remain in place for up to a year if they do not become torn, faded, loose or otherwise in disrepair.
6. **Multiple banners.** An overall signage plan shall be approved when multiple vertical streetscape banners are placed on a lot or street section. All banners on the same lot shall be consistent in terms of colors and materials used.

SEC 11 SIGNS NOT PERMITTED

The following signs shall be prohibited, and may neither be erected nor maintained:

- A. **Obsolete signs.** Obsolete signs or signs which have broken supports or are overgrown with vegetation.
- B. **Off-site signs.** Off-site signs are signs that direct attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located.
- C. **Billboards.** Large outdoor signboard which is greater than the allowed sign size. These can be off-site or on-site signs. (Digital Billboards will be allowed through the conditional use process to replace existing non-conforming billboards if they meet certain requirements. See Digital Billboard Section 12) Non-conforming billboards may be maintained as long as they do not increase the size of the message area. However they cannot be updated to new or digital technology.
- D. **Portable signs.** Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs with attached wheels; converted to A or T frame signs, menu and sandwich board signs; gas, air or hot air filled displays. Except as allowed in the C-1 Downtown Commercial District.
- E. **Hand held commercial or human costumes.** No person may display a hand held sign advertising a business along or within the street or highway right-of-

way. Furthermore no person may dress in a costume to advertise a business in such a way as to divert motorist attention away from the roadway.

F. Vehicle Signs. Signs attached to or painted on vehicles including automobiles, trucks, boats, campers, and trailers, which are parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purpose of providing advertisement for products or services or directing people to a business or activity. This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business.

G. Rotating or revolving signs.

H. Strung lights. Lights strung across buildings or property except those allowed under Holiday Lighting.

I. Windblown. Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, and balloons. Flags, other than governmental or corporate, are prohibited.

Exception: Balloons shall be permitted for three (3) consecutive days for a grand opening event.

J. Others not exempt. All other signs which are not expressly exempt from regulation and expressly permitted under this section.

SEC. 12 DIGITAL BILLBOARDS:

Digital billboards shall be permitted subject to acquiring a conditional use permit from the Rogers Planning Commission and meeting the following regulations.

A. Replacement Ratio. Digital billboards shall only be permitted to replace existing legally nonconforming off-site signs at a ratio of one digital billboard face for every three (3) existing legally nonconforming sign faces removed prior to installation of the digital billboard that is replacing the off-site signs being removed or a legally nonconforming billboard with frontage along Interstate 540 (I-540).

B. Priority for Removal. The Rogers Planning commission shall retain the right to approve, through the conditional use process, which billboards will be permitted to be removed to meet the removal ratio, using the following priority rankings:

- a.** Nonconforming billboards located on South 8th Street (Hwy 71B).
- b.** Nonconforming billboards located on Hudson Road (Hwy 62).

- c. Nonconforming billboards located on North 2nd Street (Hwy 62B).

C. Location.

- a. **Signs per Lot.** Only one (1) digital billboard sign structure shall be permitted per lot. Double sided signs shall be permitted.
- b. **Zoning.** Digital billboards shall only be permitted in C-2 and C-4 zones adjacent to I-540.
- c. **Setback.** Digital billboards shall be placed ten (10) feet off the I-540 right-of-way.

D. Maximum Height. Digital billboards shall not exceed 40' in height when adjacent to I-540. Digital billboard height is measured from the base of the supporting structure to the top of the billboard.

E. Maximum Sign Area. Digital billboards shall not exceed 400 sq. ft. in sign area.

F. Display.

- a. **Static Messages.** Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or the varying of light intensity during the static display period.
- b. **Dwell time and transition time.** Messages on digital billboards shall be displayed for a minimum dwell time of eight (8) seconds and maximum transition time between messages shall seem instantaneous to the human eye.

G. Lighting.

- a. **Maximum brightness.** Digital billboards shall not operate at a brightness level of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a distance of 200'. Documentation shall be provided to the City at time of permit issuance certifying the digital billboard has been set to be incapable of exceeding 0.3 foot candles above ambient light.
- b. **Light sensing devise.** Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

H. Separation Requirements.

- a. **Distance from residential.** Digital billboards shall be prohibited within 500 feet of a residentially zoned property.
- b. **Distance form intersection.** Digital billboards shall be prohibited within 500' of an interchange of I-540. Beginning at the exit point on the on/off ramp.
- c. **Distance from other off-site signs.** Digital billboards shall be located so that they are a minimum of 1 mile from other digital billboards and off-site signs within the city limits of Rogers.

- I. Landscaping.** All digital billboards shall be landscaped to meet the following requirements: Trees and shrubs shall be selected such that the mature height of the selected species is tall enough to reach the base of the sign face.
- J. Malfunction default.** Each digital billboard shall have a default mechanism built in to either turn the display off or show “full black” on the display in the event of a malfunction.

SEC 13 OVERLAY DISTRICT

The purpose of the Overlay District is to protect and enhance the scenic quality of the highway corridors, create design standards for developments, provide effective land use planning and facilitate traffic flow.

The Overlay district shall extend along West Walnut Street from South 8th Street to Interstate I-49; along South 8th Street from West Walnut to the South city limits; along Highway 62 from the East city limits to the West city limits; along State Highway 12 from 2nd Street to the East city limits; along New Hope Road from Dixieland Road to Interstate I-49; along New Hope Road from South 8th street 1500 feet West; along Interstate I-49 from the North city limits to the South city limits; and along Pleasant Grove Road from South 8th Street to Bellview Road. The district encompasses all lands with highway frontage, including local streets, lying within three hundred thirty (330) feet of the right-of-way on both sides of the designated corridors within the city limits.

A monument sign shall be allowed with a maximum of six (6) feet in height and seventy-two (72) square feet in sign face area. A commercial development defined as having two or more buildings will be allowed a maximum of one sign ten (10) feet in height and one-hundred (100) square feet in sign face area.

SEC. 14 ENFORCEMENT

Code Enforcement Officers may remove the following signs that are in violation of this ordinance; Yard sale signs, garage sale signs, rummage sale signs, moving sale signs, construction signs, real estate signs, political signs, banners and temporary signs. Failure to comply with any section of this sign code shall be a misdemeanor punishable by a fine not to exceed two hundred fifty dollars (\$250.00) per day that said violation exists. Each day shall constitute a separate offense.

SEC. 15 LICENSING

All commercial sign companies must be licensed in the State of Arkansas and hold a valid state contractors license prior to obtaining a sign permit or installing a sign. Any company violating this section will be fined up to \$1000 per day with each day constituting a separate offense. The City of Rogers will also notify the State of Arkansas Contractors Board of each violation for separate action by the State of Arkansas.

SEC. 16 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.